

CALIFORNIA CODE OF REGULATIONS
TITLE 14, DIVISION 1
SUBDIVISION 4, OFFICE OF OIL SPILL PREVENTION AND RESPONSE
CHAPTER 3. OIL SPILL PREVENTION AND RESPONSE PLANNING
SUBCHAPTER 3. OIL SPILL CONTINGENCY PLANS
SECTION 820.01
Approved May 3, 2010
Effective July 1, 2010

820.01 Drills and Exercises

(a) Exercises shall be designed to exercise either individual components of the contingency plans or the entire response plan. Components include, but are not limited to:

- on-water containment and recovery;
- shoreline protection;
- response procedures (which includes how the plan interfaces with the State's Incident Command Structure and/or Unified Command as required by Title 8, California Code of Regulations, Subsection 5192(p)(D)(2));
- notification procedures;
- temporary storage and waste management procedures;
- oiled wildlife care requirements;
- and training related to response procedures.

Such exercises, individually or in combination, shall ensure that the entire plan is exercised at least once every three years, emphasizing spill response operations from spill discovery to completion of clean up and documentation. Any number of components may be tested during the exercises required below.

(1) For marine facilities and small marine fueling facilities:

- (A) A tabletop exercise, announced or unannounced, of the spill management team(s) shall be conducted annually.
- (B) Notification procedures shall be exercised quarterly for the Qualified Individual, marine facility personnel, the OSRO and the spill management team.
- (C) A semi-annual exercise to test the deployment of facility-owned equipment, which shall include immediate containment strategies, methods to stop the spill at the source, methods to slow or stop leaks, and methods to achieve immediate emergency shutdown.
- (D) Shoreline protection strategies shall be exercised as described in Subsection 820.01(b) below.
- (E) Oil spill response organization field equipment deployment exercises for on-water recovery and for shoreline protection shall each be conducted at least once every three years. Shoreline protection strategies shall be exercised as described in Subsection 820.01(b) below.
- (F) The owner/operator shall maintain adequate records of drills and exercises,

for a period of at least three years, to include records of any drills and exercises of the oil spill response organization and resources identified in the contingency plan. These records shall be maintained at the marine facility and shall be available for inspection by the Administrator.

(2) For Tank vessels, nontank vessels and vessels carrying oil as secondary cargo, as applicable:

(A) A shore-based spill management team tabletop exercise shall be conducted annually. This exercise shall be conducted in California at least once every three years.

(B) Onboard emergency procedures and Qualified Individual notification drills shall be conducted quarterly, or 72 hours prior to entering marine waters, whichever is less often;

(C) Oil spill response organization field equipment deployment exercises for on-water recovery and for shoreline protection shall each be conducted at least once every three years. Shoreline protection strategies shall be exercised as described in Subsection 820.01(b) below.

(D) The vessel owner/operator shall maintain adequate records of drills and exercises, for a period of at least three years, to include records of any off-vessel drills and exercises (i.e., drills and exercises not held aboard the vessel) of the oil spill response organization and resources identified in the contingency plan. These records shall be maintained at the United States location of either the Qualified Individual or the vessel owner/operator. Contingency plans should indicate the location of these records. All exercises conducted aboard the vessel shall be documented in the vessel's log.

(3) Drills shall be designed to exercise either individual components of the contingency plans or the entire response plan. Such drills, individually or in combination, shall ensure that the entire plan is exercised at least once every three years.

(4) The owner/operator shall ensure that records sufficient to document a drill or exercise are maintained for three years following the completion of the drill or exercise. All such documentation must be made available to the Administrator upon request.

(b) Shoreline Protection Strategies for Sensitive Sites

(1) Marine facility owners/operators are required to exercise shoreline protection response strategies for all ACP-listed sensitive sites within the area identified as impacted. Marine facility owner/operators may use their own trajectories to identify impacted areas.

(2) Vessel owner/operators are required to exercise the shoreline protection response strategies that are identified in the applicable Shoreline Protection Tables (SP Tables, see Section 790, incorporated by reference herein and posted on OSPR's website). All owner/operators may participate in the OSPR Sensitive Site Strategy Evaluation Program (as defined in Section 790) or shall submit a yearly schedule to OSPR which lists four sensitive sites to be exercised. Owner/operators are required to demonstrate to the Administrator that these areas have been exercised, either with owner/operator-owned

equipment or through a Rated OSRO under contract with the owner/operator.

(A) Each schedule shall be approved or denied within 180 days after receipt by the Administrator.

(B) The Administrator shall determine whether each schedule adequately assures that the shoreline protection strategies for all sensitive sites identified as potentially impacted will be exercised. If it is determined that a schedule is inadequate, it will be returned to the submitter with a written explanation of deficiencies and, if practicable, suggested modifications or alternatives.

(c) The Administrator may call a drill or conduct an inspection, to validate all or part of a contingency plan. This drill or inspection may be announced or unannounced.

(d) To receive credit from OSPR for an exercise, the following notification requirements must be met:

(1) The plan holder shall invite the Administrator to participate in both the equipment deployment exercises and the management team tabletop exercises and shall submit written notification including, but not limited to, the following information: company name, address, marine facility or tank vessel name, OSPR contingency plan number, point of contact, phone/FAX number, e-mail address, type of exercise, date, time and location of exercise, sensitive sites being tested, exercise scenario description, plan components to be tested, and other participants in the drill. The plan holder may use the OSPR Exercise Notification Form (FG OSPR 1964, 11/2008) or a document that includes the same information as the Notification Form, for this purpose. Notification may be made via letter, E-mail, or fax and sent to:

Drills and Exercises Coordinator
Department of Fish & Game/ OSPR
Post Office Box 944209
Sacramento, California 94244-2090
Fax: Drills and Exercises Coordinator,
DFG/OSPR, (916) 324-9786

(2) The Administrator shall be given advance notice of a minimum of 30 days for in-state semi-annual equipment deployment drills and discussion-based tabletop exercises (which is a discussion only of response to an oil spill scenario and involves no role playing); 60 days for all other in-state drills and exercises. Notification timeframes for out-of-state drills can be found in Subsection (h)(2) of this section.

(e) The Administrator shall determine if the elements of the plan were adequately tested by the exercise scenario and the response of the participants.

The Administrator shall give credit for all exercise objectives successfully tested during the exercise. Objectives not successfully tested during the exercise will not receive credit and shall be exercised again within the three year cycle. Exercise objectives shall include, but not be limited to, the following (as set forth in Appendix B of the PREP guidelines, as applicable):

(1) Notifications: Test the notification procedures identified in the contingency plan;

- (2) Staff mobilization: Demonstrate the ability to assemble the spill response organization identified in the contingency plan;
- (3) Reserved
 - (3.1) Unified Command: Demonstrate the ability of the spill response organization to form or interface with a Unified Command;
 - (3.1.1) Federal Representation: Demonstrate the ability to consolidate the concerns and interests of the other members of the unified command into a unified strategic plan with tactical operations;
 - (3.1.2) State Representation: Demonstrate the ability to function within the unified command structure;
 - (3.1.3) Local Representation: Demonstrate the ability to function within the unified command structure;
 - (3.1.4) Responsible Party Representation: Demonstrate the ability to function within the unified command structure;
 - (3.2) Response Management System: Demonstrate the ability of the response organization to operate within the framework of the response management system identified in their respective plans;
 - (3.2.1) Operations: Demonstrate the ability to coordinate or direct operations related to the implementation of action plans contained in the respective response and contingency plans developed by the unified command;
 - (3.2.2) Planning: Demonstrate the ability to consolidate the various concerns of the members of the unified command into joint planning recommendations and specific long range strategic plans. Demonstrate the ability to develop short range tactical plans for the operations division;
 - *(CA1) Situation Unit: Demonstrate the ability to collect, organize, and disseminate information about the current status of the spill;
 - *(CA2) Resource Unit: Demonstrate the ability to maintain the status of all incident resources;
 - *(CA3) Environmental Unit: Demonstrate the ability to prepare environmental data including assessments, modeling, surveillance, resources at risk, and impacts on environmentally sensitive sites.
 - *(CA4) Resources at Risk Technical Specialist: Demonstrate the ability to identify natural resources thought to be at risk from exposure to spilled oil through the gathering and analysis of known and anticipated oil movement and the location of natural, cultural and economic resources, and to prioritize a list of resources for protection based on the relative importance of the resources and relative risk of exposure.
 - (3.2.3.) Logistics: Demonstrate the ability to provide the necessary support of both the short term and long term action plans;
 - (3.2.4) Finance: Demonstrate the ability to document the daily expenditures of the organization and provide cost estimates for continuing operations;
 - (3.2.5) Public Affairs: Demonstrate the ability to form a joint information center and provide the necessary interface between the unified command and the media;
 - (3.2.6) Safety Affairs: Demonstrate the ability to monitor all field operations and ensure compliance with safety standards;
 - (3.2.7) Legal Affairs: Demonstrate the ability to provide the unified command with suitable legal advice and assistance;
 - *(CA5) Liaison Officer: Demonstrate the ability to establish and coordinate interagency communication and cooperation;
- (4) Source Control: Demonstrate the ability of the spill response organization to control

- and stop the discharge at the source;
- (4.1) Vessel Emergency Services (formerly called Salvage): Demonstrate the ability to assemble and deploy the vessel emergency services resources identified in the response plan;
- (4.2) Firefighting: Demonstrate the ability to assemble and deploy the firefighting resources identified in the response plan;
- (4.3) Lightering: Demonstrate the ability to assemble and deploy the lightering resources identified in the response plan;
- (4.4) Other Vessel Emergency Services (formerly called Salvage) Equipment and Devices: Demonstrate the ability to assemble and deploy other vessel emergency services equipment and devices identified in the response plan;
- (5) Assessment: Demonstrate the ability of the spill response organization to provide an initial assessment of the discharge and provide continuing assessments of the effectiveness of the tactical operations;
- (6) Containment: Demonstrate the ability of the spill response organization to contain the discharge at the source or in various locations for recovery operations;
- (7) Recovery: Demonstrate the ability of the spill response organization to recover, mitigate, and remove the discharged product. Includes mitigation and removal activities, e.g., dispersant use, in-situ burning use, and bioremediation use.
- (7.1) On-water Recovery: Demonstrate the ability to assemble and deploy the on-water response resources identified in the response plans;
- (7.2) Shore-based Recovery: Demonstrate the ability to assemble and deploy the shoreside response resources identified in the response plans;
- *(CA6) Dispersants: Demonstrate the ability to evaluate the use of chemical dispersants utilizing the state and federal dispersant use policies and procedures adopted in the Region IX Regional Contingency Plan and the federal area plans, including: identify and mobilize the necessary equipment and personnel; utilize the appropriate FOSC checklists and evaluation forms (pre-approval or case-by-case dispersant use approval); activate the Regional Response Team (RRT) for case-by-case dispersant approval and provide sufficient information for a recommendation to be made by the RRT; develop all necessary documentation of actions taken; and, if appropriate, develop a dispersant use plan for inclusion in the Incident Action Plan (IAP).
- *(CA7) In-situ Burning: Demonstrate the ability to evaluate the use of in-situ burning utilizing state and federal policies and procedures as adopted in the federal area contingency plans, including: identify and mobilize the necessary equipment and personnel; establish and coordinate communications with the local air quality management districts; complete the in-situ burning checklists and evaluation forms; activate the Regional Response Team (RRT) and provide sufficient information for a recommendation to be made by the RRT; document actions taken; and, if appropriate, develop an in-situ burning plan for inclusion in the IAP.
- *(CA8) Bioremediation: Demonstrate the ability to evaluate the use of bioremediation utilizing state and federal policies and procedures as adopted in the federal area contingency plans, including: identify and mobilize the necessary equipment and personnel; develop all necessary documentation of actions taken; and, if appropriate, develop a bioremediation plan for inclusion in the IAP.
- (8) Protection: Demonstrate the ability of the spill response organization to protect the environmentally and economically sensitive areas identified in the approved Area Contingency Plans;
- (8.1) Protective Booming: Demonstrate the ability to assemble and deploy sufficient resources to implement the protection strategies contained in the Area Contingency Plan and the respective industry response plan;

- (8.2) Water Intake Protection: Demonstrate the ability to quickly identify water intakes and implement the proper protection procedures from the Area Contingency Plan or develop a plan for use;
- (8.3) Wildlife Recovery and Rehabilitation: Demonstrate the ability to quickly identify these resources at risk and implement the proper protection procedures from the Area Contingency Plan or develop a plan for use;
- (8.4) Population Protection: Demonstrate the ability to quickly identify health hazards associated with the discharged product and the population at risk from these hazards, and implement the proper protection procedures from the Area Contingency Plan or develop a plan for use;
- (9) Disposal: Demonstrate the ability of the spill response organization to dispose of the recovered material and contaminated debris.
- *(CA9) Waste Management: Demonstrate the ability of the spill response organization to properly manage the recovered product and to develop a waste management plan for approval by the Unified Command. The plan will include appropriate procedures for obtaining permits and/or waivers, waste characterization, waste minimization, volumetric determination, and overall waste management and final disposition, as appropriate;
- (10) Communications: Demonstrate the ability to establish an effective communications system for the response organization;
- (10.1) Internal Communications: Demonstrate the ability to establish an intra-organization communications system. This encompasses communications both within the administrative elements and the field units;
- (10.2) External Communications: Demonstrate the ability to establish communications both within the administrative elements and the field units;
- (11) Transportation: Demonstrate the ability to provide effective multi-mode transportation both for execution of the discharge and support functions;
- (11.1) Land Transportation: Demonstrate the ability to provide effective land transportation for all elements of the response;
- (11.2) Waterborne Transportation: Demonstrate the ability to provide effective waterborne transportation for all elements of the response;
- (11.3) Airborne Transportation: Demonstrate the ability to provide the necessary support of all personnel associated with the response;
- (12) Personnel Support: Demonstrate the ability to provide the necessary support of all personnel associated with the response;
- (12.1) Management: Demonstrate the ability to provide administrative management of all personnel involved in the response. This requirement includes the ability to move personnel into or out of the response organization with established procedures;
- (12.2) Berthing: Demonstrate the ability to provide overnight accommodations on a continuing basis for a sustained response;
- (12.3) Messing: Demonstrate the ability to provide suitable feeding arrangements for personnel involved with the management of the response;
- (12.4) Operational/Administrative Spaces: Demonstrate the ability to provide suitable operational and administrative spaces for personnel involved with the management of the response;
- (12.5) Emergency Procedures: Demonstrate the ability to provide emergency services for personnel involved in the response;
- (13) Equipment Maintenance and Support: Demonstrate the ability to maintain and support all equipment associated with the response;

- (13.1) Response Equipment: Demonstrate the ability to provide effective maintenance and support for all response equipment;
- (13.2) Response Equipment (Support): Demonstrate the ability to provide effective maintenance and support for all equipment that supports the response. This requirement includes communications equipment, transportation equipment, administrative equipment, etc;
- (14) Procurement: Demonstrate the ability to establish an effective procurement system;
- (14.1) Personnel: Demonstrate the ability to procure sufficient personnel to mount and sustain an organized response. This requirement includes ensuring that all personnel have qualifications and training required for their position within the response organization;
- (14.2) Response Equipment: Demonstrate the ability to procure sufficient response equipment to mount and sustain an organized response;
- (14.3) Support Equipment: Demonstrate the ability to procure sufficient support equipment to support and sustain an organized response;
- (15) Documentation: Demonstrate the ability of the spill response organization to document all operational and support aspects of the response and provide detailed records of decisions and actions taken. These documents shall be provided to the Administrator upon request.

*California-specific requirements

- (f) The plan holder shall provide written (hard copy or electronic) documentation in order to receive credit from OSPR for any exercise conducted. All documentation is subject to verification by the Administrator, including confirmation of participation of personnel listed. The documentation shall be submitted to the Drills and Exercises Program within 60 days after completion of the drill. It shall include, but not be limited to, the following:
 - (1) the contingency plan number including point of contact, phone number and e-mail address;
 - (2) a list of all other participants, their roles, and contact information, including contingency plan numbers if applicable;
 - (3) a list of all components of the contingency plan tested;
 - (4) a list of all ACP-listed sensitive site protection response strategies tested and documentation of actual deployment, if applicable;
 - (5) a list of other regulatory agencies attending the drill or exercise, if any; and,
 - (6) an exercise evaluation that describes how all tested objectives were met, including supporting documentation such as the site safety plan, incident action plan, disposal plan, communications plan, etc, as appropriate.
 - (7) for all exercises:
 - (A) information that demonstrates whether the required drills as listed in subsection in (a) above, have been conducted. The Evaluator Work Sheet (FG OSPR 1963, 3/13/09) or a form that includes the same information may be used to gather this information.

This information shall be kept by the Plan Holder for 3 years and made available to the Administrator upon request;

- (B) information of either concern or benefit to the local Area Planning Committee or the applicable California Harbor Safety Committee including, but not limited to, the following: plan components tested, observations and description of successful positive action or statement of problem, and any recommendations for suggested action or improvement to Area Contingency Plans, marine facilities and vessel plans, OSROs, federal agencies, state agencies, local agencies, training or exercise programs. Lessons learned should be incorporated into future exercises. This information shall be kept by the Plan Holder for 3 years and made available to the Administrator upon request.

(8) for all tabletop exercises:

- (A) information including, but not limited to, the following: point of contact, and phone number and e-mail address, date of exercise; location; time started/time completed; the response plan scenario used; size of spill; evaluation of the spill management team's knowledge of the oil spill response plan; determination of proper notifications; evaluation of the communications system; ability to access contracted OSROs; ability to coordinate spill response with On-Scene Coordinator, state and applicable agencies; and ability to access sensitive site and resource information in the Area Contingency Plan if referenced. The Spill Management Team/Tabletop Exercise Report (FG OSPR 1966, 12/2/08), or a form that includes the same information, may be used to gather this information.

(9) for all equipment deployment exercises:

- (A) information including, but not limited to, the following: date; identity of marine facility or vessel; location(s); time started/completed; equipment ownership; a list of type and amount of all equipment deployed and number of support personnel employed; description of the exercise goals and a list of any Area Contingency Plan strategies tested, with a sketch of equipment deployments and booming strategies; if marine facility-owned equipment, was at least the amount of equipment deployed necessary to respond to the average most probable spill; was equipment deployed in its intended operating environment; was a representative sample of OSRO-owned equipment deployed; was the OSRO-owned equipment deployed in its intended operating environment; description of the marine facility's comprehensive training and equipment maintenance programs; did personnel responsible for equipment deployment actually deploy the equipment; and was deployed equipment operational. The Equipment Deployment Evaluation Form (FG OSPR 1965, 12/2/08), or a form that includes the same information, may be used to gather this information.

(10) a list or check sheet showing what documentation has been submitted as part of the credit request.

- (g) The Administrator shall issue exercise credit via e-mail, for objectives met during the exercise, within 90 days to the plan holder for any exercise attended by OSPR personnel, which evaluates the adequacy of the exercise scenario to test elements of the plan and its implementation, and the response of the participants. Any inadequacies noted in the Administrator's report must be addressed in writing by the plan holder within 60 days of the

receipt of the Administrator's report. The plan holder's response shall propose remedies to the noted inadequacies including, but not limited to, any necessary changes to the plan, any changes in contracted or owned response resources, changes in or additions to training, and/or the need for additional drills or exercises. The plan holder's response shall include a schedule for implementing the remedies. The Administrator may audit all drill documentation to verify that the drill was done in accordance with the credit request.

(h) Substitution

(1) In-State Exercises

In substitution for the exercises required by Subsections (a) above, the Administrator may accept an exercise conducted by the marine facility or vessel, and called by an agency other than the OSPR, if all of the following conditions are met:

- (A) the exercise tests one or more of the following: the marine facility or vessel's spill management team and spill response organization; deployment of the facility or vessel's response equipment; or deployment of other response resources identified in the contingency plan; and
- (B) the exercise is conducted with the U. S. Coast Guard, or another local, state or federal agency and the OSPR has been invited with the minimum notification required in Section 820.01(d)(2). For unannounced drills called by the U.S. Coast Guard, or a local, state, or federal agency, this notification timeframe is waived; and,
- (C) except for the unannounced drills described in (h)(1)(B) above, the plan holder has received prior approval for the exercise substitution from the Administrator, and,
- (D) the Administrator finds the plan components tested and evaluation criteria equal to or exceeding those of the OSPR.

(2) Out-of-State Exercises

The only exercise that can be substituted under this Subsection (2) is an exercise of the spill management team that would be responsible for responding to a spill in California. However, at least once in every three year drill cycle, the annual spill management team tabletop exercise must be conducted in California.

To receive credit for a spill management team tabletop exercises-conducted out-of-state, OSPR must be notified and invited to an exercise conducted out-of-state at least 45 days prior to the exercise, and at least 30 days prior to an exercise conducted out-of-country,. The Administrator must also find that the exercise objectives and evaluation criteria are equal to or exceeding the criteria required by OSPR for an in-state exercise. This can be met by utilizing one of the following options:

- (A) The United States Coast Guard or other qualified agency, such as a member of the Pacific States/British Columbia Task Force or other agency acceptable to the Administrator, has participated in the drill and evaluation. Only National Preparedness for Response Exercise Program (NPREP) objectives can be credited; or
- (B) If United States Coast Guard or other qualified agency, such as a member of the Pacific States/British Columbia Task Force or other agency acceptable to the Administrator, has not participated and evaluated an out-of-state drill, the plan holder

shall use and submit all the documentation in Subsection (f) of this section, as appropriate. Only NPREP objectives can be credited for this option.

- (C) In addition to NPREP objectives, California-specific objectives may be met during out-of-state exercises only when a scenario based in California is used and an approved Independent Drill Monitor (IDM) provides the evaluation. The approval process for an IDM is specified in Subsection (3), below.

(3) Independent Drill Monitors

(A) IDM Application Content

1. The IDM applicant's name, mailing address, facsimile and telephone number(s).
2. A copy of at least one drill evaluation in which the applicant has participated.
3. A minimum of three (3) written letters of recommendation by individuals familiar with the applicant's performance at drills.
4. The following attestation language, signed and dated by the application:

“The information provided regarding my experience, qualifications, and dates of employment is factual and correct to the best of my knowledge and belief. Upon request of the Administrator, I agree to participate in announced drills as set forth in Section 820 of this subchapter to verify any or all of the information contained in this application, prior and/or subsequent to receiving approval.”

(B) Qualifications for Application

An individual or entity may apply for consideration as an Independent Drill Monitor (IDM) for oil spill exercise evaluation outside of the State of California. OSPR will approve IDMs based on experience, training, and knowledge of California's regulatory requirements.

An application for an IDM must document the following minimum qualifications:

1. At least five (5) years of job experience in spill response and drills, with experience specific to California-specific objectives.
2. Documentation of training in the Incident Command System (ICS) (ICS-100, 200, 300, 400 and IS 700 and 800, Federal Emergency Management Agency) and Enhanced Exercise Design and Evaluation (California Specialized Training Institute, California Emergency Management Agency), the Homeland Security Exercise Evaluation Program training session or equivalent.
3. An IDM cannot currently be employed by the plan holder or the Spill Management Team of the drill being evaluated.

(C) Application Filing Requirements and Fee

1. Applications must be filed with the Administrator of the Office of Spill Prevention and Response. Applications shall either be delivered in person or sent by registered mail with return receipt requested, or other means as approved by the Administrator, to the Drills and Exercises Program of OSPR.

2. Application Fee

Each IDM applicant shall submit a nonrefundable USD \$1,000 fee to cover OSPR's costs to implement this program.

(D) Application Confidentiality

1. An applicant may request that proprietary information be kept confidential. Such a request must include justification for designating the information as confidential. The Administrator will make a determination regarding that information which may be considered confidential and removed from any copy of the application that is made available for public review.

2. Any information designated as confidential must be clearly identified as proprietary.

3. If an applicant designates information as confidential, two different copies of the application must be submitted as follows:

- a. one copy must contain the confidential information. This application will be utilized in the review process;
- b. one copy must be submitted with the confidential information removed. This copy will be available for public review. This application must contain sufficient information in place of the confidential information so that any individual reviewing the application will understand all the elements of the application.

(E) Application Review

An application will be reviewed within 90 calendar days of receipt by OSPR. If the application requirements are not met, applicant will be contacted regarding any missing documentation or qualifications. Deficiencies noted in the application review may result in denial of the application.

(F) Interview

If the application requirements are determined to have been met, the applicant will be contacted for an interview. During the interview, the applicant must demonstrate the following:

1. the ability to communicate effectively;
2. related experience in drill evaluation; and,
3. knowledge and understanding of California Drills and Exercises regulations.

Deficiencies noted during the interview may result in denial of the application.

(G) Participation in California Drills

Upon request of the Administrator, the applicant may be required, at their own expense, to participate in a California drill under observation by an OSPR Drills and Exercises Program Drill Coordinator.

(H) IDM Approval and Renewal Procedure

1. Approval of an IDM Application

a. Upon satisfactorily meeting the requirements of this subchapter the applicant will receive a Letter of Approval. The Letter may not be assigned, transferred, or assumed. The Letter will remain valid unless suspended or revoked, and shall be deemed to meet the requirements of this section for three years from the date of the Letter's issuance.

b. OSPR's Drills and Exercises Program will maintain a list of all approved IDMs for use by out-of-state drill conductors.

2. Renewal

a. Approval will be granted for a period of three years unless suspended or revoked by the Administrator. An IDM shall file an application for renewal at least 90 calendar days prior to the expiration of the Letter of Approval.

b. The Administrator may require an earlier renewal. The IDM will be notified in writing if an earlier renewal is required. The notice will include an explanation of the reason(s) for the earlier approval renewal. The circumstances that would warrant an earlier renewal include, but are not limited to, a change in regulations or statute.

(I) Denial of IDM Application.

The Administrator may deny approval of an application if the applicant has failed to provide the information required in the application as set forth in Section 820.01(h)(3) or has failed to satisfy the application review or interview criteria. If the Administrator decides to deny an IDM approval, the Administrator shall issue a written statement of the basis for the denial. After receiving the written statement of denial from the Administrator, the applicant shall wait 90 calendar days before submitting a new application. The written statement shall identify the reason(s) for the denial, and inform the IDM of the right to request reconsideration of the denial.

(J) Procedure for Revocation of an IDM Application.

When the Administrator believes there are valid grounds for revoking an existing Letter of Approval, the IDM shall be notified in writing of the revocation by certified or registered mail. A proposed revocation notice shall be issued after a period of 60 days. The notice shall identify the reason(s) for the revocation, and

inform the IDM of the right to request reconsideration of the revocation. The Administrator may amend any notice of revocation at any time.

(K) IDM Exercise Participation Process

1. An approved IDM will utilize OSPR's standard evaluation forms, or forms that contain the same information, to document those drills (see CCR Section 820.01(f)).
2. Within 14 days of the out-of-state exercises specified in subsection (h)(2), the IDM shall submit a preliminary evaluation and supporting documentation of the California-specific objectives to OSPR; finalized information is to be submitted within 45 days of the completion of the exercise.
3. The exercise evaluation shall include a description of how all tested California-specific objectives were met, including supporting documentation such as the site safety plan, incident action plan, disposal plan, communications plan, etc.

(i) OSRO Exercises

An exercise of an OSRO's services may fulfill the equipment deployment exercise requirement of Subsection (a)(1) above for any marine facility, or Subsection (a)(2) above for any vessel, that utilizes the OSRO's plan to fulfill the response requirements of the facility's or vessel's own plan. These exercises will not fulfill the semi-annual equipment deployment exercise requirement of marine facility-owned equipment pursuant to Subsection (a)(1)(C). OSRO's who participate in the OSPR Sensitive Site Strategy Evaluation program (as defined in S. 790) may meet the shoreline protection exercise requirement of Subsection (b)(1) above for marine facilities, or Subsection (a)(2) above for vessels.

(j) Unannounced Exercises

An unannounced exercise may be used to satisfy the exercise requirements of this subsection under the following conditions:

- (1) The owner/operator shall submit a written request to the administrator within 90 days after the unannounced exercise is conducted asking that the exercise be considered in substitution for one or more of the required exercises, and;
- (2) the exercise tests one or more of the following: 1) the marine facility's or vessel's spill management team and spill response organization, 2) deployment of the facility's or vessel's response equipment, or 3) deployment of other response resources identified in the facility's or vessel's plan.

(k) Actual Spill

- (1) Actions taken in response to an actual spill in California may be considered for exercise credit. Credit may be granted upon request of the plan holder if all of the following conditions are met:
 - (A) OSPR receives the documentation, as appropriate, outlined in Section 820.01(f) within 60 days of the conclusion of the response; and,
 - (B) OSPR receives documentation of the California Emergency Management Agency oil spill notification, and the plan holder provides all the information required on the OSPR Notification Form (FG OSPR Form 1964); and,

- (C) activation of the spill management team is successfully accomplished; and,
- (D) OSPR or another regulatory agency responds to the spill. A written response/evaluation by the plan holder may be accepted by OSPR in lieu of an agency report if an agency report is not prepared; and,
- (E) the response was carried out in accordance with an approved contingency plan, the appropriate Area Contingency Plan, and/or in accordance with the directions of the Administrator or Federal On-Scene Coordinator.

Note: Authority cited: Sections 8670.10 and 8670.28, Government Code. Reference: Sections 8670.7, 8670.10, 8670.28, 8670.29 and 8670.30, Government Code.